

## **Proposed Amendments and New Rules at N.J.A.C. 6A:9B, State Board of Examiners and Certification**

The following is the accessible version of the proposed amendments and new rules at N.J.A.C. 6A:9B to implement the limited certificate of eligibility (CE) and limited certificate of eligibility with advanced standing (CEAS) pilot program. The adoption level document includes three sections – [comment and response](#), [a summary of the proposed rulemaking](#) and [the proposed rule text](#)..

**State Board of Education  
Administrative Code  
Comment/Response Form**

This comment and response form contains comments from the February 2, 2022, meeting of the State Board of Education (State Board) when the rulemaking was considered at Proposal Level.

**Topic:** Limited Instructional Certificate of Eligibility and Certificate of Eligibility with Advanced Standing Pilot Program

**Meeting Date:** June 1, 2022

**Code Citation:** N.J.A.C. 6A:9B                      **Level:** Adoption

**Division:** Field Support and Services    **Completed by:** Office of Recruitment, Preparation, and Certification

**Summary of Comments and Agency Responses:**

The following is a summary of the comments received from State Board members and the public and the Department of Education's (Department) responses. Each commenter is identified at the end of the comment by a letter or number that corresponds to the following list:

- A. Kathy Goldenberg, President, State Board of Education
- B. Dr. Ronald Butcher, Member, State Board of Education
- C. Dr. Nedd James Johnson, Member, State Board of Education
1. Jamie Gough, Instructional Assistant, Long Branch Public Schools
2. Richard G. Bozza, Ed.D., Executive Director, New Jersey Association of School Administrators
3. Ann Bowers, Teacher
4. Patricia C. Morgan, Executive Director, JerseyCAN
5. Ashley Bencan, Co-Founder, ConnectED Workforce; Jackie Burke, Executive Director, New Jersey Council of County Vocational-Technical Schools; Elisabeth Ginsburg, Executive Director, Garden State Coalition of Schools; Larry Feinsod, Executive Director, New Jersey School Boards Association (NJSBA); Harry Lee, Executive Director, New Jersey Charter Schools Association; Karen Bingert, Executive Director, New Jersey Principals and Supervisors Association; Naeha Dean, Executive Director, Camden Education Fund; Patricia C. Morgan, Executive Director, JerseyCAN; Tahina Perez, Executive Director, Teach for America New Jersey; and Kyle Rosenkrans, Executive Director, New Jersey Children's Foundation
6. Jean Public
7. Jonathan Pushman, Director of Governmental Relations, NJSBA
8. Camy Kobylinski and Elizabeth Yucis, Associate Directors of Professional Development and Instructional Issues; Dayna Orlak, Chair of the Certification,

9. Terrence E. Gilchrist

- Comment:** The commenter expressed support for the proposed amendments and new rules at N.J.A.C. 6A:9B to implement the limited certificate of eligibility (CE) and limited certificate of eligibility with advanced standing (CEAS) pilot program. The commenter stated that she participated in the Policy Committee discussions regarding the proposed rulemaking, as well as the necessity to bring teachers into the classroom and for thinking outside of the box to do so. The commenter also stated that teachers are not in abundance, right now, in the State or nationally and many superintendents are pleased that they will be able to access candidates who qualify for an instructional certificate under the pilot program. **(A)**

**Response:** The Department thanks the commenter for the support.

- Comment:** The commenter expressed appreciation for the Department's presentation on the proposed amendments and new rules to implement the limited CE and limited CEAS pilot program. The commenter asked whether the novice teacher induction program lasts two years. **(C)**

**Response:** The Department thanks the commenter for the support. Yes, the provisional teacher program takes two years to complete. Under the program, all novice teachers are evaluated, mentored and supervised by their school or school district while working under a provisional certificate.

- Comment:** The commenter stated that topics related to teacher preparation, recruitment, and certification have come before the State Board in each of the 31 years that the commenter has been a member. The commenter also expressed support for the pilot program and the proposed rulemaking. **(B)**

**Response:** The Department thanks the commenter for the support.

- Comment:** The commenter expressed appreciation for the Department's consideration of the limited CE and CEAS pilot program. The commenter expressed personal difficulty in completing a bachelor's degree during the public health emergency with a grade point average (GPA) that met the educator certificate requirements at N.J.A.C. 6A:9B. The commenter stated that the GPA requirement has impacted the commenter's career and family. The commenter asked that student educators who completed their degrees during the public health emergency be considered for the pilot program. The commenter also stated that the public health emergency should not prevent future endeavors or act as barriers to pursuing a dream of education. **(1)**

**Response:** The Department appreciates the comment and agrees that the public health emergency has impacted individuals across the State. The proposed rules address the commenter's concerns and may provide individuals who completed their degree during the public health emergency with an opportunity to obtain an educator certificate that may be used for employment at specific school districts across the State.

- Comment:** The commenters stated that the pilot program will provide local education agencies (LEAs) and prospective teachers with needed flexibility to ensure placement of educators in classrooms. **(2 and 5)**

**Response:** The Department thanks the commenters for the support.

- Comment:** The commenter expressed appreciation for another route to earning an educator certification and stated that it will benefit many school districts in need of

educators. (3)

**Response:** The Department appreciates the commenter’s support.

7. **Comment:** The commenters stated that the broad support for the limited CE and limited CEAS pilot program indicates the need for acceptance of all LEAs that demonstrate the qualifications for participation. (2, 4, and 5)

**Response:** The Department appreciates the commenters’ support and anticipates approving all eligible LEAs. The enabling statute, P.L. 2021, c. 224, requires the Commissioner to approve at least 10 LEAs, but does not set a maximum number of participating LEAs.

8. **Comment:** The commenters also stated that stakeholder groups and schools are eagerly awaiting release of the application for LEAs to participate in the pilot program. and requested that its release be expedited. The commenters requested that the Department release the application as expeditiously as possible and said it is necessary due to the lack of teachers available to fill high-demand positions. (2 and 5)

**Response:** The Department announced the release of the application for LEAs to participate in the pilot program via [broadcast memorandum](#) on March 23, 2022. The memorandum included a link to the application and related information.

9. **Comment:** The commenter stated that schools are struggling to provide adequate teachers and staff to meet the needs of students. The commenter also stated that the lack of teachers available to fill high-demand positions results in difficult decisions to limit courses. The commenter further stated that quick implementation of the proposed rules will help address this issue. The commenter requested clarification as to when the Department expects to approve the first round of LEAs to participate in the pilot program. (4)

**Response:** The application for LEAs to participate in the pilot program was released via a [broadcast memorandum](#) on March 23, 2022. The applications are being reviewed and approved on an ongoing basis and as expeditiously as possible. As of May 23, 2022, 111 LEAs have been approved to participate. The application will remain open to all LEAs for the duration of the pilot program.

10. **Comment:** The commenter expressed support for the proposed rules and stated that the pilot program will permit greater flexibility in certification requirements while increasing the supply of qualified candidates. The commenter also stated that the proposed removal of certification barriers will not negatively impact teacher quality due to the robust accountability system, recruitment, induction, mentoring and teacher evaluation. The commenter further stated that this system provides greater assurance of teacher quality than the arbitrary cut scores on teacher assessments and GPAs. Finally, the commenter stated that these authentic measurements of teacher quality provide school districts with significantly greater information with which to ensure teacher quality and success. (7)

**Response:** The Department appreciates the commenter’s support of the proposed amendments and rules.

11. **Comment:** The commenter stated that the proposed rules are a small part of needed action to address teacher shortage issues. The commenter urged the Department and the State Board to engage with stakeholders on other initiatives that will address shortages but not compromise educator quality. The commenter expressed concern with the pilot program and also stated that “lowering the bar on the minimum requirements to become a certified teacher in New Jersey” may reduce teacher quality and the esteem of the

profession. The commenter further stated that different solutions could be pursued. **(8)**  
**Response:** The Department must implement the five-year pilot program as required at [P.L. 2021, c. 224](#). The Department remains committed to educator quality. The pilot program is an additional pathway into the teaching profession that eliminates a single requirement that may serve as a barrier for potential educators. New Jersey's tiered certification structure remains in place, as teachers will need to progress through the minimum two-year provisional period and meet all standard certificate requirements, which include mentoring and evaluations. School districts have the final determination of whether a teacher holding a limited CE or limited CEAS meets their expectations for serving in classrooms, as they will still interview and screen individuals prior to hiring. School districts will continue to support and develop new teachers beyond hiring, as there are mentoring and induction programs and extensive professional learning opportunities to ensure new teachers continue to develop as educators while serving students in classrooms.

12. **Comment:** The commenter requested clarification regarding whether an educator holding a limited CE or limited CEAS would receive a limited standard certificate or a regular standard certificate and whether the certificate would expire. The commenter also asked if the credits, test, or GPA exempted under the pilot program would need to be met by a limited CE or limited CEAS holder before a standard certificate can be issued. **(3)**  
**Response:** The proposed rules and the enabling statute, [P.L. 2021, c. 224](#), provide that the holder of a limited CE or limited CEAS who has been hired under the pilot program and was issued a provisional certificate must meet all requirements for a standard instructional certificate pursuant to N.J.A.C. 6A:9B-8.7. Regulations governing the standard certificate require, in part, that a candidate hold a CE or CEAS. A candidate who holds a limited CE or a limited CEAS will satisfy that part of the standard certificate requirements without having to fulfill the credit, test score, or GPA requirement exempted under the pilot program. Standard instructional certificates do not expire.
13. **Comment:** The commenter asked why the proposed rules permit issuance of a limited CE to a candidate without completion of the 30-semester hour content area credits but would not permit an educator with a standard instructional certificate to obtain a limited CEAS in another content area without completion of the required 30 semester hour content area credits. **(3)**  
**Response:** The enabling statute, [P.L. 2021, c. 224](#), sets forth the specific eligibility requirements for the limited CE and limited CEAS. The law does not authorize the Department to create additional exemptions or requirements.
14. **Comment:** The commenter requested clarification as to whether a current educator holding a standard instructional certificate would need to complete the professional teacher program again if seeking a new endorsement type under the proposed rules. **(3)**  
**Response:** The enabling statute, [P.L. 2021, c. 224](#), does not authorize an exemption to standard instructional certificate requirements at N.J.A.C. 6A:9B-8.7. Standard instructional certificate holders who are issued a limited CE will be required to meet the standard certificate requirements for the specific endorsement, which may include completion of a preparation program.
15. **Comment:** The commenter requested that the Department amend N.J.A.C. 6A:9B-8A.1(b) to clarify whether individual teachers hired under the limited CE or limited CEAS can transfer from one participating school district to another or if the holder must remain in the original school district for the duration of the pilot program. **(8)**  
**Response:** The Department finds that the requested clarification is unnecessary. Enabling

legislation, [P.L. 2021, c. 224](#), does not prohibit or limit holders of the limited CE or limited CEAS who are employed by one approved LEA from seeking employment in other approved LEAs. The issue will be addressed through the Department's guidance to LEAs upon adoption of the proposed amendments and new rules.

16. **Comment:** The commenter requested deletion of N.J.A.C. 6A:9B-8A.2(d)6, which requires LEAs to provide the Department with student achievement data for teachers hired under the pilot program. The commenter stated that empirical data has provided that standardized test scores correlate most strongly with socioeconomic status and should not be used as an indication of teacher quality. (8)

**Response:** The Department declines to make the requested amendment because it would contradict the enabling statute. [P.L. 2021, c. 224](#), requires approved LEAs to annually submit a report to the Commissioner evaluating the impact of hiring limited CE and limited CEAS holders. The statute requires the report to include student achievement data.

17. **Comment:** The commenter requested amendments at N.J.A.C. 6A:9B-8A.2(d)7, which requires approved LEAs to report evaluation and retention data for teachers participating in the pilot program. The commenter asked the Department to amend the new rule to require reporting district-level teacher evaluation and retention data along with participant data. The commenter stated that district-level data is crucial to determining program effectiveness. (8)

**Response:** The Department declines to make the requested change because the enabling statute and proposed N.J.A.C. 6A:9B-8A.2(d)8 provide the Commissioner with the discretion to expand the scope of the data submitted by approved LEAs. The Department appreciates the commenter's concern regarding this issue and will consider it when developing the reporting templates for approved LEAs.

18. **Comment:** The commenter expressed concern that new N.J.A.C. 6A:9B-8A.3(b)1 would permit an individual to work under a limited CE without completion of subject area coursework credits. The commenter stated that the statute empowers the Commissioner to set a different minimum number of subject area course credits, but not to waive the minimum altogether. The commenter requested amendments at N.J.A.C. 6A:9B-8A.3(b)1 to require a minimum number of subject area course credits. The commenter also stated that subject area coursework is a crucial component of teacher preparation. (8)

**Response:** The Department declines to make the requested amendment because it would contradict the enabling statute. [P.L. 2021, c. 224](#), requires candidates to be eligible for the limited CE without meeting the minimum number of subject area course credits, assuming all other applicable requirements are met.

19. **Comment:** The commenter requested an amendment to N.J.A.C. 6A:9B-8A.3(b)2 to impose a minimum GPA, such as 2.75, instead of waiving the minimum GPA requirement altogether. The commenter stated that the Department should consider GPA flexibility, such as requiring a minimum GPA for courses required for the candidate's major, in place of waiving the requirement. The commenter also stated that the Commissioner's role is to set a new minimum, which could act as a guardrail for potential candidates. (8)

**Response:** The Department declines to make the requested amendment because it would contradict the enabling statute. [P.L. 2021, c. 224](#), requires candidates to be eligible for the limited CE/CEAS without meeting applicable GPA requirements (generally a 3.0), assuming all other certificate requirements are met. The enabling

statute does not permit the Department to require a different minimum GPA in this situation.

20. **Comment:** The commenter stated that proposed N.J.A.C. 6A:9B-8A.3(b)3 provides an exception for the minimum score on a Commissioner–approved test of basic reading, writing, and mathematical skills pursuant to N.J.A.C. 6A:9B-8.3(a)5 and the alternative requirements or exceptions at N.J.A.C. 6A:9B-8.3(a)5i. The commenter asked if an applicant who has satisfied this requirement with comparable tests taken in other states can use the score reports from the comparable tests to meet the eligibility requirement without having to unnecessarily choose this as the one permissible exception. The commenter stated that although the Department accepts the Praxis Core developed by ETS, the 17 states use subject matter assessments for educator licensure developed by Pearson Education Inc. and seven states use a reading test developed by Pearson. The commenter stated that the Department has stated in response to comments on previous rulemakings that it allows "flexibility to candidates with previously demonstrated proficiency" (see response to Comment 18 at 46 N.J.R. 1634(a)). **(9)**

**Response:** The only Commissioner-approved assessments for basic reading, writing, and mathematics skills are the Praxis Core Academic Skills for Educators Reading (5713), Writing (5723), and Math (5733), Scholastic Aptitude Test (SAT), Graduate Record Examination (GRE), or American College Testing (ACT). N.J.A.C. 6A:9B–8.3(a)5i does not allow for any other comparable out-of-State tests to fulfill this requirement.

21. **Comment:** The commenter stated that proposed N.J.A.C. 6A:9B-8A.3(b)4 provides an exception for meeting the minimum passing score on an appropriate State test(s) of subject matter knowledge pursuant to N.J.A.C. 6A:9B-8.3(a)4 and the alternative requirements or exceptions at N.J.A.C. 6A:9B-9.1(a)2. The commenter asked when the Department will fully implement the Alternate Route Interstate Reciprocity Pilot Program required at N.J.S.A. 18A:26-26.b and to what extent the Department will implement the subject matter component of the law. The commenter further stated that applicants who satisfy the requirements at N.J.S.A. 18A:26-26.b will then not unnecessarily use the exemption of N.J.A.C. 6A:9B-8A.3(b)4, thereby receiving a CE rather than funneled into receiving a limited CE. **(9)**

**Response:** The commenter’s first statement about the exceptions provided at proposed N.J.A.C. 6A:9B-8A.3(b)4 is accurate. The remainder of the comment is outside the scope of the rulemaking, which does not concern the Alternate Route Reciprocity Pilot Program.

22. **Comment:** The commenter asked how the Department will accommodate applicants who initially apply for the limited CE or limited CEAS, as a matter of expediency, but can eventually substantiate meeting the requirements for the regular CE or CEAS. The commenter stated that, as an example, applicants who qualify for the CE under the provisions of the Alternate Route Interstate Reciprocity Pilot Program at N.J.S.A. 18A:26-25 et seq. and encounter a delay in obtaining documentation, will be able under N.J.A.C. 6A:9B-8A to subsequently apply for the CE and submit the remaining substantiating documents. **(9)**

**Response:** Candidates who hold a limited CE or a limited CEAS and later meet the requirements for issuance of a regular CE or CEAS can apply for the latter certificates if they choose but will not be required to do so. The proposed regulations provide a pathway for limited CE or limited CEAS holders to achieve a standard certificate without issuance of a regular CE or CEAS.

23. **Comment:** The commenter asked to what extent the Department will publicly provide quarterly aggregate data about the applicant pool, including: bilingual or multilingual ability; common mistakes; correctly completed parts or sections of applications; different ways of substantiating the meeting of requirements; endorsements sought; exceptions chosen under N.J.A.C. 6A:9B-8A.3(a) and (b); the extent of attrition and the demographics of those who did not persevere; length of time of completion for various categories of applicants; and the requirements that remained outstanding for applicants who did not complete the process. The commenter stated that this data is related to new N.J.A.C. 6A:9B-8A.2(d)8, which requires the participating LEA report to include any other information the Commissioner deems necessary. (9)
- Response:** The enabling statute, [P.L. 2021, c. 224](#), requires approved school districts, charter schools, and renaissance school projects to submit an annual report evaluating the impact of hiring limited CE or limited CEAS holders to inform this data collection. In turn, the Commissioner will annually submit to the State Board a report summarizing the information submitted. The Department intends to collect data to review and analyze the effectiveness and/or educational impact of the proposed rules and to provide the results in the annual report to the State Board. The Department has not yet determined how and if data will be shared publicly.
24. **Comment:** The commenter stated that an increase of teachers in school districts approved to participate in the pilot program will positively influence youth development. The commenter stated that proposed rulemaking’s Racial and Ethnic Community Criminal Justice and Public Safety Impact statement declares, in part, that “[t]here is an extreme unlikelihood that the proposed amendments and new rules would have an impact on pretrial detention, sentencing, probation, or parole policies concerning juveniles and adults in the State.” The commenter requested that the Department confer with the Juvenile Justice Commission to discern an estimate of the positive impact. The commenter also encouraged the Department to reflect upon school districts that have increased the number of students taking advanced placement courses. (9)
- Response:** The Department appreciates the commenter’s viewpoint that the pilot program will have a positive impact on youth development. The Racial and Ethnic Community Criminal Justice and Public Safety Impact statement is about the proposed rules’ impact on pretrial detention, sentencing, probation, or parole policies. While the pilot program could positively effect student outcomes, it will not alter any policy related to pretrial detention, sentencing, probation, or parole.
25. **Comment:** The commenter requested clarification as to how school districts applying to participate in the pilot program will receive confirmation of acceptance. (4)
- Response:** The Department implemented a process within each county office of education whereby applying LEAs receive a letter of approval.
26. **Comment:** The commenter requested clarification regarding the Department’s plan to share the pilot program’s success and/or challenges with the Legislature. (4)
- Response:** The enabling statute, [P.L. 2021, c. 224](#), requires the Commissioner to annually submit to the State Board a report summarizing information submitted by school districts, charter schools, and renaissance school projects. The Department intends to collect data to review and analyze the effectiveness and/or educational impact of the proposed rules and to provide the results in the annual report to the State Board. Approved LEAs will be required to submit an annual report evaluating the impact of hiring limited CE or limited CEAS holders to inform this data collection.



27. **Comment:** The commenter requested clarification as to how many staff have been identified to support the implementation of these regulations. (4)  
**Response:** The Department has made available appropriate resources to adequately support implementation of the proposed rules.
28. **Comment:** The commenter stated that individuals do not only learn in a college course and that life teaches many important rules about surviving. The commenter requested that the rules on college courses be changed. The commenter also stated that the State should enlarge who can be teachers because students can learn in many different ways individuals who have not completed college classes related to teaching but who are highly educated. (6)  
**Response:** The limited CE, as well as the existing CE, will enable individuals who have not yet completed an educator preparation program to be eligible for employment as a teacher in approved LEAs if they meet the requirements under the pilot program or the existing rules related to the CE. Except for career and technical education and military science endorsements, State law requires candidates for an educator certificate to hold a bachelor's or higher degree. Therefore, the college degree requirement cannot be changed.
29. **Comment:** The commenter indicated that all charter schools should be shut down as they are an unfortunate financial load on the public. The commenter also stated that children who are brought to the United States by their parents outside of the established immigration process should not be entitled to an education at taxpayers' expense. The commenter also contended that a judge's decision from many years ago when immigration was not a problem is used as a cornerstone for a massive giveaway program.. (6)  
**Response:** The comments are outside the scope of the rulemaking, which concerns five sections at N.J.A.C. 6A:9B.

### Agency-Initiated Change

1. The Department proposes to amend new N.J.A.C. 6A:9B-8A.1(f) to correct a change made in error in the published notice of proposal. As approved by the State Board at proposal level on February 2, 2022, N.J.A.C. 6A:9B-8A.1(f) stated that, throughout the subchapter, "school district" refers to school districts, charter schools, and renaissance school projects that apply to participate in the pilot program or are approved by the Commissioner to participate as set forth at N.J.A.C. 6A:9B-8A.2. During the pre-publication process, the proposed regulation was changed so that the term applied to school districts, charter schools, and renaissance school projects that applied and were accepted to participate in the pilot program. Since some of the new rules at N.J.A.C. 6A:9B-8A apply to applicants before the Commissioner's decision is made, the Department proposes to replace "and" with "or" as follows:

- (f) **Throughout this subchapter, "school district" shall refer to school districts, charter schools, and renaissance school projects that apply to participate in the pilot program [[and]] \*or\* are approved by the Commissioner to participate as set forth at N.J.A.C. 6A:9B-8A.2.**



**State of New Jersey**  
DEPARTMENT OF EDUCATION  
PO Box 500  
TRENTON, NJ 08625-0500

**Adoption Level**  
**June 1, 2022**

PHILIP D. MURPHY  
*Governor*

SHEILA Y. OLIVER  
*Lt. Governor*

ANGELICA ALLEN-McMILLAN, Ed.D.  
*Acting Commissioner*

To: Members, State Board of Education

From: Angelica Allen-McMillan, Ed.D., Acting Commissioner

Subject: N.J.A.C. 6A:9B, State Board of Examiners and Certification

Reason for Action: Amendments and New Rules

Authority: P.L. 2021, c. 224

### **Summary**

The Department of Education (Department) proposes new rules at N.J.A.C. 6A:9B, State Board of Examiners and Certification, to effectuate a new State law authorizing the development of a five-year pilot program for issuance of a limited certificate of eligibility (limited CE) and a limited certificate of eligibility with advanced standing (limited CEAS) in an instructional area for candidates who meet certain requirements. Limited CE and limited CEAS holders will only be eligible to teach in school districts, charter schools, and renaissance school projects that apply to participate in the pilot program and are approved by the Commissioner of the Department of Education (Commissioner).

Under the existing rules, a candidate for a certificate of eligibility (CE) must possess, at a minimum, a bachelor's degree, complete a minimum number of content credits through subject-specific coursework, have a minimum grade point average, meet the basic skills requirement, and pass a content knowledge assessment. The CE is the "alternate route" pathway. A candidate for a certificate of eligibility with advanced standing (CEAS) must complete an educator preparation program, possess, at a minimum, a bachelor's degree, complete a minimum number of content credits through subject-specific coursework, have a minimum grade point average, pass a content knowledge assessment, and pass a performance assessment. The CEAS is the traditional route to certification. The CE and CEAS, which are issued by the State Board of Examiners, are lifetime certificates that authorize holders to seek and accept employment as a teacher in any New Jersey public school district.

P.L. 2021, c. 224 (N.J.S.A. 18A:26-2b through h) creates a limited CE and a limited CEAS in an instructional area for individuals who have met all but one of the existing certification eligibility requirements. Certificate holders who have a limited CE or a limited CEAS in an instructional area will be eligible to seek employment only in a school district approved to hire such candidates.

The new law also sets forth the criteria for the Commissioner's approval of school districts, charter schools, and renaissance school projects (referred to throughout as "school

districts”) that apply to participate in the pilot program and to hire holders of the limited CE or limited CEAS. Each school district must demonstrate a sufficient capability to provide support to new teachers, as well as one of the following: a demographic disparity between the school district’s or school’s student population and its teaching staff; a shortage of bilingual education teachers; or a critical need to fill teacher vacancies or hardships caused by teacher vacancies. School districts approved to participate in the pilot program will be permitted to hire a specific number of limited CE or limited CEAS holders that equals a maximum of 10 percent of the school district’s total teacher population.

P.L. 2021, c. 224, is intended to expand the teacher candidate pool to provide relief to schools and school districts experiencing staffing challenges due to the COVID-19 public health emergency, while maintaining the integrity of the educator certification process. The limited CE and limited CEAS will provide an on-ramp to the teaching profession by removing a barrier that may be preventing otherwise qualified potential teachers from earning a certificate. To maintain educator quality, limited CE and limited CEAS holders will be expected to meet the same educator preparation program requirements as candidates for a regular CE or CEAS. Limited CE or limited CEAS holders will progress through the provisional teacher process and be provided with new teacher induction, mentoring, and professional learning opportunities in the same manner as holders of a regular CE or CEAS. Limited CE and limited CEAS holders who earn a provisional certificate will also be required to demonstrate competency in the classroom through “effective” or “highly effective” summative ratings, as well as meet all other requirements for the standard certificate.

The new law also will require school districts that participate in the pilot program to submit to the Commissioner an annual report evaluating the impact of hiring limited CE or limited CEAS holders. School district reporting regarding teachers holding the limited CE or the limited CEAS will allow the Department to study the impact of the pilot program to inform future policy decisions.

The following summarizes the proposed new rules.

## **N.J.A.C. 6A:9B, State Board of Examiners and Certification**

### **Subchapter 5. General Certification Requirements**

#### **N.J.A.C. 6A:9B-5.6 Fees**

This section establishes a schedule of nonrefundable fees for the issuance of certificates, evaluation of credentials, and other routine services.

The Department proposes new N.J.A.C. 6A:9B-5.6(b)13 to set – at \$170 -- the fee for each limited CE and limited CEAS, which includes the issuance of the provisional certificate and standard certificate. The fee is the same as set forth at existing N.J.A.C. 6A:9B-5.6(b)1 for the regular CE and CEAS.

#### **Subchapter 8A. Limited Instructional Certificate of Eligibility and Certificate of Eligibility with Advanced Standing Pilot Program**

##### **N.J.A.C. 6A:9B-8A.1 Scope**

The Department proposes new N.J.A.C. 6A:9B-8A.1 to establish the scope of the five-year pilot program created pursuant to P.L. 2021, c. 224, as well as general provisions for the creation and issuance of the limited CE and limited CEAS in an instructional area.

Proposed N.J.A.C. 6A:9B-8A.1(a) indicates that the subchapter's rules implement a five-year pilot program for the issuance of limited CEs and CEASs in an instructional area.

Proposed N.J.A.C. 6A:9B-8A.1(b) provides that the five-year pilot program established by the Commissioner will begin in the 2022-2023 school year and will result in Board of Examiners-issued limited CEs and CEASs in an instructional area under specific eligibility criteria. The proposed subsection also provides that the Department will maintain a list of Commissioner-approved school districts that are permitted to hire holders of the limited CE or limited CEAS in an instructional area under the pilot program.

Proposed N.J.A.C. 6A:9B-8A.1(c) provides that holders of the limited CE or limited CEAS in an instructional area can seek employment only in the school districts, charter schools, and renaissance school projects approved by the Commissioner to participate in the pilot program.

Proposed N.J.A.C. 6A:9B-8A.1(d) states that the limited CE and CEAS will not be issued after September 1, 2027. Proposed N.J.A.C. 6A:9B-8A.1(d)1 states that school districts, charter schools, and renaissance school projects approved by the Commissioner to participate in the pilot program shall ensure that individuals hired under the pilot program obtain their provisional certificate no later than November 1, 2027.

Proposed N.J.A.C. 6A:9B-8A.1(e) states that all limited CEs and CEASs issued under the pilot program, and existing at the expiration of the pilot program, will expire on November 1, 2027.

Proposed N.J.A.C. 6A:9B-8A.1(f) states that "school district," as used in the proposed subchapter, refers to all school districts, charter schools, and renaissance school projects that apply to participate in the pilot program or are approved by the Commissioner to participate.

### **N.J.A.C. 6A:9B-8A.2 School district participation**

The Department proposes N.J.A.C. 6A:9B-8A.2 to establish criteria for Commissioner approval of school districts to participate in the pilot program, as well as criteria for their continued participation.

Proposed N.J.A.C. 6A:9B-8A.2(a) will require a school district to be approved by the Commissioner prior to hiring holders of the limited CE or limited CEAS in an instructional area.

Proposed N.J.A.C. 6A:9B-8A.2(b) will require school districts seeking approval to participate in the pilot program to provide, to the Commissioner, a plan to sufficiently support novice teachers. The proposed subsection also will require school districts to provide data demonstrating one or more of the following: a demographic disparity between the school district's or school's student population and its teachers; a shortage of bilingual education teachers within the school district; or a critical need to fill teacher vacancies or a hardship caused by teacher vacancies within the school district.

Proposed N.J.A.C. 6A:9B-8A.2(c) states that school districts approved to participate in the pilot program shall be eligible to hire certificate holders of the limited CE or limited CEAS in an instructional area. The proposed subsection also states that the number of hired holders of a limited CE or limited CEAS cannot exceed, at any time during the pilot program, 10 percent of

the school district's total teacher population, as indicated on the school district's position control roster.

To maintain approved status, proposed N.J.A.C. 6A:9B-8A.2(d) will require a school district to annually submit to the Commissioner a report evaluating the impact of hiring certificate holders with limited CEs or limited CEASs in an instructional area. The proposed rule also will require the content of the annual report to be cumulative, but disaggregated by the school year, to address each year in which the school district participates in the pilot program. The proposed subsection further states that the report shall include, but not be limited to, the following:

- The number of limited certificate holders hired by the school district under the pilot program;
- The subject areas in which the certificate holders teach and the course(s) they teach;
- The impact of hiring certificate holders with limited CEs and limited CEASs on the school district's or school's demographic disparity between its student population and teachers;
- The effect of hiring certificate holders with limited CEs and limited CEASs on the school district's ability to fill teacher vacancies;
- The effect on the school district's ability to fill shortages of bilingual education teachers within the school district;
- The student achievement data for students taught by limited certificate holders who were hired by the school district under the pilot program;
- The teacher evaluation data, pursuant to N.J.A.C. 6A:10, and retention data for certificate holders hired under the pilot program; and
- Any other information the Commissioner deems necessary, pursuant to section 5 at P.L. 2021, c. 224.

Proposed N.J.A.C. 6A:9B-8A.2(e) will require approved school districts to enroll all holders of the limited CE or limited CEAS in the provisional teacher program within one month of the certificate holder's employment start date. The proposed rule will ensure that limited CE and limited CEAS holders are in the position to receive their provisional certificates prior to the expiration of the pilot program. Under the proposed new subchapter, limited CEs and limited CEASs will expire on November 1, 2027, and certificate holders will be required to have a provisional certificate as of that date to maintain employment and to progress toward a standard certificate beyond the expiration of the pilot program.

Proposed N.J.A.C. 6A:9B-8A.2(f) provides that, upon expiration of the pilot program on September 1, 2027, school districts cannot hire holders of a limited CE or limited CEAS unless the candidate holds another certificate required for employment in the position.

Proposed N.J.A.C. 6A:9B-8A.2(g) states that all Commissioner approvals under the subchapter terminate with the expiration of the pilot program on September 1, 2027.

Proposed N.J.A.C. 6A:9B-8A.2(h) will allow certificate holders of a limited CE or limited CEAS who hold a provisional certificate as of November 1, 2027, to continue the provisional teacher program within the time limitations set forth at N.J.A.C. 6A:9B-8.4 and 8.5.

### **N.J.A.C. 6A:9B-8A.3 Limited CE or CEAS in an instructional area requirements**

The Department proposes N.J.A.C. 6A:9B-8A.3 to establish eligibility criteria for the limited CE and limited CEAS in an instructional area.

Proposed N.J.A.C. 6A:9B-8A.3(a) will require a candidate for a limited CEAS in an instructional area to meet all the requirements for a CEAS pursuant to N.J.A.C. 6A:9B-8.2, with the exception of one of the following: (1) the minimum grade point average (GPA) requirement pursuant to N.J.A.C. 6A:9B-8.2(a)3 and its exceptions at N.J.A.C. 6A:9B-8.2(c); or (2) the minimum passing score on an appropriate State test(s) of subject matter knowledge pursuant to N.J.A.C. 6A:9B-8.2(a)4 and the alternative requirements or exceptions at N.J.A.C. 6A:9B-9.1(a)2.

Proposed N.J.A.C. 6A:9B-8A.3(b) will require a candidate for a limited CE in an instructional area to hold a bachelor's or an advanced degree and to meet all other requirements for a CE pursuant to N.J.A.C. 6A:9B-8.3, with the exception of one of the following: (1) the minimum number of subject area course credits and the alternative requirements or exceptions at N.J.A.C. 6A:9B-8.3(a)4 and 9.1(a)1; (2) the minimum GPA pursuant to N.J.A.C. 6A:9B-8.3(a)3 and its exceptions at N.J.A.C. 6A:9B-8.3(b); (3) the minimum score on a Commissioner-approved test of basic reading, writing, and mathematical skills pursuant to N.J.A.C. 6A:9B-8.3(a)5 and the alternative requirements or exceptions at N.J.A.C. 6A:9B-8.3(a)5i; or (4) the minimum passing score on an appropriate State test(s) of subject matter knowledge pursuant to N.J.A.C. 6A:9B-8.3(a)4 and the alternative requirements or exceptions at N.J.A.C. 6A:9B-9.1(a)2.

#### **N.J.A.C. 6A:9B-8A.4 Provisional and standard certificate requirements for certificate holders with a limited CE or CEAS in an instructional area**

The Department proposes N.J.A.C. 6A:9B-8A.4 to establish criteria and requirements for holders of a limited CE and CEAS in an instructional area to earn a provisional certificate.

Proposed N.J.A.C. 6A:9B-8A.4(a) provides that the limited CE or limited CEAS in an instructional area shall satisfy the CE or CEAS requirement at N.J.A.C. 6A:9B-8.1(a) for purposes of obtaining a provisional certificate until November 1, 2027.

Proposed N.J.A.C. 6A:9B-8A.4(b) will require a certificate holder with a limited CE or limited CEAS in an instructional area to meet all the requirements at N.J.A.C. 6A:9B-8.4 to be eligible for a provisional certificate.

Proposed N.J.A.C. 6A:9B-8A.4(c) will require a provisional certificate holder hired under the pilot program to meet all the requirements at N.J.A.C. 6A:9B-8.7 to be eligible for a standard certificate.

Proposed N.J.A.C. 6A:9B-8A.4(d) will require holders of the limited CE or limited CEAS to meet all the requirements for a provisional certificate at N.J.A.C. 6A:9B-8.4 by no later than September 1, 2027.

As the Department has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirements, pursuant to N.J.A.C. 1:30-3.3(a)5.

#### **Social Impact**

The proposed amendments and new rules will have a positive social impact on both students and educators, as increasing the pool of teachers will ensure that students have quality educators serving in classrooms. This new limited certificates create an additional pathway for potential educators who otherwise would have been ineligible for a certificate. School districts and schools are experiencing educator staffing hardships, exacerbated by the COVID-19 public health emergency and its impact on the State's workforce. Qualitative and quantitative data indicate a slight decline in the number of teachers entering the profession, the number of teaching certificates issued, and the number of teacher candidates completing educator

preparation programs in the State. The pilot program could alleviate some of the problems that school districts are facing in filling vacancies and hiring teachers in hard-to-fill subject areas. This pilot program provides an opportunity to allow additional educators into the profession, while maintaining educator quality as the Department studies the data collected to make long-term policy decisions.

### **Economic Impact**

The economic impact of the proposed amendments and new rules on candidates for a limited CE or a limited CEAS will vary. The cost of a limited CE or a limited CEAS will be \$170.00 for all applicants. However, school districts participating in the pilot program may pay the application fee or reimburse limited CE and limited CEAS candidates for the fee. The costs of the required assessments (that is, basic skills and subject-matter knowledge assessments) and CE educator preparation program will be dependent upon the endorsement area and program selected.

Outside of those associated with standard compensation, school districts will not incur additional costs to participate in the pilot program but may decide to invest in recruitment efforts to attract eligible candidates. The Department does not expect these expenses to vastly differ from typical personnel administration expenditure.

The pilot program could result in a positive economic impact by attracting more individuals seeking employment as a teacher. The pilot program also could result in a positive economic impact for limited CE and limited CEAS holders who are offered employment as teachers.

### **Federal Standards Statement**

There are no Federal requirements that impact the proposed amendments and new rules.

### **Jobs Impact**

The proposed amendments and new rules likely will increase the number of individuals eligible for a teaching certificate and may result in fewer unfilled vacancies in school districts that participate in the pilot program.

### **Agriculture Industry Impact**

The proposed amendments and new rules will have no impact on the agriculture industry.

### **Regulatory Flexibility Statement**

A regulatory flexibility analysis is not required because the proposed new rules and amendments do not impose reporting, recordkeeping, or other compliance requirements on small businesses as defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq.

### **Housing Affordability Impact Analysis**

The proposed amendments and new rules will have an insignificant impact on the affordability of housing in New Jersey. There is an extreme unlikelihood that the proposed amendments and new rules would evoke a change in the average costs associated with housing because the proposed amendments and new rules will govern the issuance of limited teaching certificates that will allow certificate holders to seek employment in public schools authorized to participate in the pilot program.

## **Smart Growth Development Impact Analysis**

The proposed amendments and new rules will have an insignificant impact on smart growth. There is an extreme unlikelihood that the proposed amendments and new rules would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan in New Jersey because the proposed amendments and new rules govern the issuance of limited teaching certificates that will allow certificate holders to seek employment in public schools authorized to participate in the pilot program.

### **Racial and Ethnic Community Criminal Justice and Public Safety Impact Statement**

There is an extreme unlikelihood that the proposed amendments and new rules would have an impact on pretrial detention, sentencing, probation, or parole policies concerning juveniles and adults in the State because the proposed amendments and new rules govern the issuance of limited teaching certificates that will allow certificate holders to seek employment in public schools authorized to participate in the pilot program.

**Full text** of the proposed amendments and new rules follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):



## Chapter 9B, State Board of Examiners and Certification

### Subchapter 5. General Certification Policies

#### 6A:9B-5.6 Fees

- (a) The fee schedule in (b) below shall be in addition to any tuition and fees that higher education institutions may charge for courses and credits offered in connection with State-approved training programs.
- (b) The following nonrefundable fee schedule applies
1. For each CE and CEAS, which includes the issuance of the provisional certificate and standard certificate – \$170.00;
  2. For each emergency certificate – \$95.00;
  3. For each substitute credential – \$125.00;
  4. For each renewal of an emergency or provisional certificate – \$70.00;
  5. For each name change in the certification system – \$20.00;
  6. For each evaluation of credentials to determine eligibility to take a particular State certification examination or to obtain information concerning qualifications for certification – \$70.00;
  7. For each standard certificate issued without a prior provisional certificate – \$95.00;
  8. For each certificate that requires a test, a one-time test score service fee – \$20.00;
  9. For each letter the Office sends in response to a candidate's written request to verify test scores no longer available from the testing company – \$25.00;
  10. An application fee for a qualifying academic certificate pursuant to N.J.S.A. 18A:6-41 – \$30.00. If the candidate is not eligible, \$20.00 will be refunded;
  11. Upon completion of a State-approved administrator residency program, a one-time administrative fee – \$200.00; [and]

12. Upon completion of a Commissioner-approved CE educator preparation program for holders of an instructional CE, a one-time administrative fee – \$100.00[.]; **and**
13. **For each limited CE and CEAS in instructional areas, which includes the issuance of the provisional certificate and standard certificate – \$170.00.**

**Subchapter 8A: Limited Instructional Certificate of Eligibility and Certificate of Eligibility  
with Advanced Standing Pilot Program**

**6A:9B-8A.1 Scope**

- (a) Pursuant to P.L. 2021 c. 224, this subchapter’s rules implement a five-year pilot program for the issuance of limited certificates of eligibility (CEs) and limited certificates of eligibility with advanced standing (CEASs) in an instructional area.
- (b) The five-year pilot program established by the Commissioner will begin in the 2022-2023 school year and will result in the following:
  1. A Board of Examiners-issued limited CE or CEAS in an instructional area for candidates who apply for and meet the criteria established in this subchapter; and
  2. A Department-maintained list of Commissioner-approved school districts, charter schools, and renaissance school projects permitted to hire certificate holders who have a limited CE or CEAS in an instructional area.
- (c) A limited CE or CEAS in an instructional area shall permit a certificate holder to seek employment in only the school districts, charter schools, and renaissance school projects approved by the Commissioner to participate in the pilot program.
- (d) The limited CE and CEAS will not be issued after September 1, 2027.
  1. School districts, charter schools, and renaissance school projects approved by the Commissioner to participate in the pilot program shall ensure that

**individuals hired pursuant to the pilot program obtain their provisional certificate by no later than November 1, 2027.**

- (e) All limited CEs and CEASs issued pursuant to the pilot program, and existing at the expiration of the pilot program, shall expire on November 1, 2027.**
- (f) Throughout this subchapter, “school district” shall refer to school districts, charter schools, and renaissance school projects that apply to participate in the pilot program [[and]] **\*or\*** are approved by the Commissioner to participate as set forth at N.J.A.C. 6A:9B-8A.2.**

#### **6A:9B-8A.2 School district participation**

- (a) A school district seeking to hire certificate holders of limited CEs or CEASs in an instructional area pursuant to the pilot program established pursuant to this subchapter shall first be approved by the Commissioner.**
- (b) To seek Commissioner approval to hire certificate holders of limited CEs or CEASs in an instructional area, a school district shall provide to the Commissioner, or the Commissioner’s designee, the following:**
  - 1. A plan to sufficiently support novice teachers in accordance with N.J.A.C. 6A:9C-5; and**
  - 2. Data demonstrating one or more of the following:**
    - i. A demographic disparity between the school district’s or school’s student population and its teachers;**
    - ii. A shortage of bilingual education teachers within the school district; or**
    - iii. A critical need to fill teacher vacancies or a hardship caused by teacher vacancies within the school district.**
- (c) Pursuant to P.L. 2021 c. 224, a school district approved to participate in the pilot program shall be eligible to hire certificate holders of limited CEs or CEASs in an**

**instructional area. The number of certificate holders of limited CEs or CEASs in an instructional area hired shall not exceed, at any time during the pilot program, 10 percent of the school district's total teacher population as indicated on the school district's position control roster.**

**(d) To maintain approved status, a school district previously approved to participate in the pilot program shall annually submit to the Commissioner a report evaluating the impact of hiring certificate holders with limited CEs or CEASs in an instructional area. The content of the annual report shall be cumulative, but disaggregated by school year, to address each year in which the school district participates in the pilot program. The report shall include, but not be limited to, the following:**

- 1. The number of certificate holders hired by the school district under the pilot program;**
- 2. The subject areas in which the certificate holders teach and the course(s) they teach;**
- 3. The impact of hiring certificate holders with limited CEs and CEASs on the school district's or school's demographic disparity between its student population and teachers;**
- 4. The effect on the school district's ability to fill shortages of bilingual education teachers within the school district;**
- 5. The effect of hiring certificate holders with limited CEs and CEASs on the school district's ability to fill teacher vacancies;**
- 6. The student achievement data for students taught by certificate holders who were hired by the school district under the pilot program;**
- 7. The teacher evaluation data, pursuant to N.J.A.C. 6A:10, and retention data for certificate holders hired under the pilot program; and**

- 8. Any other information the Commissioner deems necessary, pursuant to section 5 at P.L. 2021, c. 224.**
- (e) Approved school districts shall enroll all holders of the limited CE or CEAS in the provisional teacher program within one month of the certificate holder's employment start date.**
  - (f) Upon expiration of the pilot program on September 1, 2027, school districts shall not hire holders of a limited CE or CEAS, unless the candidate holds another certificate required for employment in the position.**
  - (g) All Commissioner approvals pursuant to this subchapter shall terminate with the expiration of the pilot program on September 1, 2027.**
  - (h) Certificate holders of a limited CE or CEAS who hold a provisional certificate as of November 1, 2027, shall be permitted to continue the provisional teacher program within the time limitations set forth at N.J.A.C. 6A:9B-8.4 and 8.5.**

**6A:9B-8A.3 Limited CE or CEAS in an instructional area requirements**

- (a) To be eligible for a limited CEAS in an instructional area, the candidate shall successfully complete a State-approved educator preparation program and meet all requirements for a CEAS pursuant to N.J.A.C. 6A:9B-8.2, with the exception of one of the following:**
  - 1. The minimum GPA requirement pursuant to N.J.A.C. 6A:9B-8.2(a)3 and its exceptions at N.J.A.C. 6A:9B-8.2(c); or**
  - 2. The minimum passing score on an appropriate State test(s) of subject matter knowledge pursuant to N.J.A.C. 6A:9B-8.2(a)4 and the alternative requirements or exceptions at N.J.A.C. 6A:9B-9.1(a)2.**
- (b) To be eligible for the limited CE in an instructional area, the candidate shall hold a bachelor's or an advanced degree pursuant to N.J.A.C. 6A:9B-8.3(a)1 and shall**

meet all other requirements for a CE pursuant to N.J.A.C. 6A:9B-8.3, with the exception of one of the following:

1. The minimum number of subject area course credits and the alternative requirements or exceptions at N.J.A.C. 6A:9B-8.3(a)4 and 9.1(a)1;
2. The minimum GPA pursuant to N.J.A.C. 6A:9B-8.3(a)3 and its exceptions at N.J.A.C. 6A:9B-8.3(b);
3. The minimum score on a Commissioner-approved test of basic reading, writing, and mathematical skills pursuant to N.J.A.C. 6A:9B-8.3(a)5 and the alternative requirements or exceptions at N.J.A.C. 6A:9B-8.3(a)5i; or
4. The minimum passing score on an appropriate State test(s) of subject matter knowledge pursuant to N.J.A.C. 6A:9B-8.3(a)4 and the alternative requirements or exceptions at N.J.A.C. 6A:9B-9.1(a)2.

**6A:9B-8A.4 Provisional and standard certificate requirements for certificate holders with a limited CE or CEAS in an instructional area**

- (a) The limited CE or CEAS in an instructional area shall satisfy the CE or CEAS requirement at N.J.A.C. 6A:9B-8.1(a) for purposes of obtaining a provisional certificate until November 1, 2027.
- (b) To be eligible for a provisional certificate, a certificate holder with a limited CE or CEAS shall meet all the requirements at N.J.A.C. 6A:9B-8.4.
- (c) To be eligible for a standard certificate, a provisional certificate holder hired pursuant to this pilot program shall meet all the requirements for a standard instructional certificate pursuant to N.J.A.C. 6A:9B-8.7.
- (d) Holders of the limited CE or CEAS shall meet all the requirements for a provisional certificate at N.J.A.C. 6A:9B-8.4 no later than September 1, 2027.